RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Cycle tyres, tubes, toys, hoses and all manner of rubber goods.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know whether we will be able to compete with Japan-made goods ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Yes, that is what our Expert says.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether our Rubber Expert is really a good businessman ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I think so.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether Government have collected statistics about the consumption of rubber goods in Travancore ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I have already sat down.

DEPUTY PRESIDENT : Does anybody else wish to speak ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : After hearing the learned member's speech, I wish to withdraw my opposition.

DEPUTY PRESIDENT : I do not think it is in form. More than one member has opposed the grant and the whole matter is before the House now. Mr. Krishna Pillai's individual withdrawal will not be sufficient. So I have to put the motion to the vote of the House.

The Demand was put to vote and passed.

The grant was made.

LEGISLATIVE BUSINESS.

THE TRAVANCORE SURVEY AND BOUNDARIES REGULATION (AMENDMENT) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to move that the Travancore Survey and Boundaries Regulation (Amendment) Bill, as passed by the Sri Chitra State Council, be taken into consideration. I shall briefly explain the principle underlying the Bill. It is aimed at making the unauthorised planting of survey marks punishable. A survey mark is defined in the Survey and Boundaries Regulation of 1091 as follows :

> "Survey-mark" means any mark or thing heretofore or hereafter made, erected or placed for the purpose of indicating survey points or lines above, on or below the surface of any land by or by order of any person duly authorised under any enactment for the time being in force to make a survey of land to settle the boundaries thereof ".

I request Honourable Members to notice the last portion of the definition, namely, ' by or by order of any person duly authorised for the time being in force to make surveys '. Therefore, a survey mark always indicates a point or line fixed by persons authorised by law to fix survey marks. Honourable members know that the survey marks are shank-marked stones. It has been brought to the notice of Government

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that private parties plant their own shank-marked stones, as for instance, when lands are partitioned, without applying to the proper authority for a survey. The result of this is that these demarcations are not incorporated in revenue records and the public are put to confusion. It has been considered that un-authorised planting of shank-marked stones should be prevented and therefore it is proposed by this Bill that such unauthorised planting should be made punishable.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : How is the unauthorised planting harmful ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In the case of unauthorised planting, the survey and demarcation are not incorporated in Government records, and any person who sees such a stone does not know whether it was planted by Government or private parties. It is therefore confusing. If they put any other stone it will not matter. But when private parties put shank-marked stones which should be planted only by Government, then there will be confusion. Government do not want counterfeit Government mark. Therefore this amendment Bill is necessary.

MR. C. V. CHANDRASEKHARAN (*Officiating Director of Public Instruction*) : I second it.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Before the Government member sits down, I wish to know which is the court, under the Amendment Regulation, competent to ascertain that ? It is not specified in the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Criminal Procedure Code will govern that.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know from the Government whether it is the idea that in the case of missing survey marks the replanting should be done by the authorities ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is not proposed in this Bill. When land is demarcated by proper authorities the stones may be put in there.

MR. E. V. KRISANA PILLAI (*Pattanamtitta*) : In the case of measurements by departments, will not such cases also be covered by the penal clause sought to be introduced here ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : When the proper authority makes the survey, it is a survey in law ; whether it is correct or not does not matter. It is a legal survey. It may be a right or a wrong survey.

MR. P. K. NARAYANA PILAI (*Ambalapuzha I*) : Sir, on hearing my friend Mr. Paramesvaran Pillai, I think it is necessary to make a few observations upon his proposals. He says, taking a specific illustration of what he means, that in case of parties planting stones indicating boundaries, they are punishable. I really fail to understand how anybody is aggrieved. For instance, marks are made by putting up fences.

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Similarly they may plant granite stones to demarcate the boundary of any particular holding. To that extent no legislature can object. Then the further question is whether they can imitate Government marks so as to mislead people. That may, probably, be made punishable. But the section here covers a good deal more than what Mr. Parameswaran Pillai aims at. It says:

> "Whoever erects or places any mark or object which is not a survey mark intending or knowing it to be likely that such mark or object may be understood orbelieved to be a survey mark shall on conviction be punishable with fine which may extend to one hundred rupees."

That is very vaguely expressed and I have very serious objection to that clause standing as such. A Magistrate may think that any object is a survey stone likely to mislead.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This Regulation will apply only if it is a survey mark according to the definition in the Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Will the definition safeguard non-survey stones resembling survey stones? The language is rather vague.

MR E. V. KRISHNA PILLAI (*Pattanamtta*): Will not the ordinary criminal law of the land cover such cases?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Yes. It may be called cheating or fabrication of false evidence, if the mental element is present.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Sir, I oppose the motion. The rules on the subject already on the statute book are exhaustive enough, particularly, rule 3 passed in 1923 and also some other rules passed in 1921. I think that these rules will serve Our purpose very well. It is my impression that the unauthorised planting of stones can be reduced into an offence under the ordinary criminal law of the land. Under these circumstances I fail to see the necessity for such a penal clause as is sought to be introduced by this Bill. The pakuthi accountants, Proverthikars and Tahsildars are made clearly responsible for the proper preservation of survey marks irrespective of the fact that these marks are put down by the parties themselves or at the instance of the Sirkar. If such a law is sought to be introduced it will be more harmful than beneficial to the ordinary ryots. Tampering with survey marks can be reduced into fabrication of false evidence or cheating which are offences under the Penal Code. I am not concerned with partition. Suppose as a result of measurements made by a surveyor, a party is obliged to put a mark at a certain point.

If it is found on subsequent verification that the survey mark stone is not in the right place due to the failure of the Surveyor to point out to the party the correct spot, the party should not be punished. For instance, if it is 120 links in the records and 120 in the field, that

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should not be made a ground to punish poor parties. That is my point. The party was obliged to commit such mistakes quite innocently at the instance of the man, a subordinate of the Survey Department had, whose knowledge of survey might be deficient. That is a point for consideration. It is something like forging an instrument of oppression. The pakuthi Accountants are mainly responsible for reporting such things to the Tahsildar who is called upon to accord sanction for complaints. It has not been made out by the Law Member that the instances of the kind now suggested are so many as to justify interference of the Legislature. To guard against such contingencies, absolutely no reference was made by the Law Member in his introductory speech to the inconvenience felt either by Government or by private parties. I do not know whether there is a similar provision in British India. Also the usual reference is not found here. Under these circumstances, I oppose the whole Bill.

MR. KAYALAM PARAMESVARAN PILLAI *(Additional Head Sirkar Vakil)* : I am afraid that the real principle, that I want to be implemented in this Bill, has not, perhaps, been correctly grasped. It has been made clear by the Honourable Members who spoke that they also are agreeable in the view that a person should not be allowed to plant shank marked stones of his own accord without the authority of Government. To that extent they are at one with me. And that is the only principle involved in this Bill. I do not object to parties putting stones to demarcate their portions. I only object if they put stones bearing Government marks without their authority.

If the Surveyor puts a mark what I wish to point out is he is an officer authorised by Government to demarcate areas and plant stones. And his mark will be a survey mark according to the definition in the Regulation.

MR. E. V. KRISHNA PILLAI *(Pattanamtitta)* : But he would not own that mistake if found subsequently.

MR. KAYALAM PARAMESVARAN PILLAI *(Additional Head Sirkar Vakil)*: In that way every Regulation can be interpreted. But if it is proved that the Government officer committed a mistake and fabricated records, there is the Court to look into it and punish him. Such a possibility is not one that should come up for consideration just now. The only point we have to consider is whether a person who planted a shank marked stone has done so on his own accord without the authority of Government and whether such a man shall be punishable or not. That point has been examined by the Law Officers and it is found that there is no provision in the statute at present to make such an act punishable.

MR. E. V. KRISHNA PILLAI *(Pattanamtitta)*: Is there any corresponding provision in British India ?

MR. KAYALAM PARAMESVARAN PILLAI *(Additional Head Sirkar Vakil)* : I cannot say.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Can a man be punished for placing real survey stones in incorrect places?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): By incorrect places it is meant, places that have not been recognised by the survey officers?

DEPUTY PRESIDENT: The expression used in the Regulation is forged.

MR. PUTHUPPALLI S. KRISHNA PILLAI (*Quilon II*): Suppose for instance, I myself get a survey stone which no one will be able to distinguish from the stones obtained from a Proverthicar or Tahsildar. May I know whether by means of the present amendment moved by the Law Member the Legislature can prevent such an act being done or prevent correct survey stones being put in incorrect places to mislead people, that is to say, whether it will prevent people from acquiring neighbours' land.

DEPUTY PRESIDENT: By putting a question you cannot be allowed to make an explanation.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Will it be an offence under the provisions of the Bill if I manufacture a survey stone of my own and put it in a place where a survey stone ought not to be in accordance with the mark found in the survey records, *i. e.*, putting a wrong survey stone in an incorrect place.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think that will be an offence.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it the intention of the Legislature to penalise the discovery of stones in places where they did not correspond with those found in the survey records. That is to say if a Proverthicar comes to my house and finds a genuine stone at a place which is not consistent with the mark found in the records, can I be held liable?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). The mere finding it out cannot make a person liable. If it is proved that the stone was planted by a particular individual he will be an offender.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it my duty to establish that it was not I who planted it but it was done by my predecessors?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is the duty of the prosecution to make out that the accused committed the offence. What I was going to say was, that any person planting a shank mark stone in places not recognised by Government should be punishable. That this should be so is clear from the speeches delivered by the members on the floor of the House. If the general principle of the Bill is agreed to, I propose to move for the postponement of the consideration of the various clauses, clause by clause. I find there are certain amendments tabled by Mr. Asan. I got the printed list only just now and I want time to consider them. I would ask for time to consider the clauses one by one later on.

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DEPUTY PRESIDENT: We shall dispose of the items one after anoher:

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I have one question to ask.

DEPUTY PRESIDENT: I cannot allow that now, because the official member has sat down.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): It was not my mistake. He had to answer a number of questions.

DEPUTY PRESIDENT: At this stage I cannot allow any more questions.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*). I oppose the motion, Sir.

DEPUTY PRESIDENT: The question before the House is whether the Bill be taken into consideration.

The motion was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With your permission, Sir, I beg to move that further procedure in regard to the Bill be postponed,

MR. C. V. CHANDRASEKHARAN (*Officiating Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Damodaran Asan has given notice of certain amendments, a copy of which was put into my hands just now. Though Mr. Asan was kind enough to tell me the amendments even yesterday, I want further time to consider them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Is not further tabling of amendments admissible?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, further amendments can be given notice of.

DEPUTY PRESIDENT: The motion before the House is whether the further consideration of the Bill be postponed.

The motion was put to vote and carried.

THE TRAVANCORE COURT OF WARDS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the House is aware that when I moved the third reading of the Bill at the last session it was opposed on the ground that it should not be proceeded with, at once. Now here is another session and I proceed to the third reading of the Bill. Before I make that motion I wish to make some amendments to the Bill.

"The first amendment is," delete clause 41 of the Bill and renumber subsequent clauses. Clause 41 of the Bill reads as follows:

> "When any property of a ward is in the possession of a mortgagee or any person claiming under a mortgagee Our Government may, on being satisfied that it is expedient in the public intereste that the estate should be preserved and that such incumbrancer should deliver up possession of the mortgaged property, make a declaration to that effect, and direct the Court to take possession thereof; the Court shall thereupon by an order in writing require such incumbrancer to deliver up possession of the same to the manager at the end of the then current revenue year".

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